

From: Paul Stanley
To: Microsoft ATR
Date: 1/20/02 1:30pm
Subject: Microsoft Settlement

The Honorable Kollar-Kotally,

I am writing this email as both a concerned citizen and a past observer of Microsoft's business practices in the PC industry while I was employed by Hewlett-Packard.

I am concerned that the proposed final judgment currently under review does not adequately protect the public or private enterprise from the power that Microsoft has and uses as the de facto monopolistic PC operating system provider. My concerns include the following points:

- 1) Enforcement mechanisms are administratively complex and lack the ability to impose sufficient penalties on Microsoft, enabling future unbridled behavior by Microsoft due to the disproportionate magnitude and timeliness of possible penalties.
- 2) Admitted violations are not sufficiently accounted for. This sends a clear signal that the risk/reward ratio for monopolistic behavior is clearly biased towards exercising it.
- 3) Anti-competitive behavior is not adequately defined or restricted, leaving far too many loopholes for Microsoft to continue their monopolistic manipulation of both mature and emerging technologies. When potential financial gain of new, innovative technology companies is reduced through such behavior, capital ceases to flow to where the US economy has its greatest potential return. Any judgment needs to do a much better job around issues such as middleware bolting and communication protocols, manipulation of emerging standards such as Java, and financial arrangements that prevent Microsoft customers from supporting other competitive software.

Thank you for your consideration of these points.

Paul Stanley
1771 Via Cortina
San Jose, CA 95120
650.417.2059 x5738

CC: microsoftcomments@doj.ca.gov@inetgw